UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,934	10/29/2001	Eduard K. de Jong	P-7007	1043

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EXAMINER
HOMAYOUNMEHR, FARID

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/014,934	DE JONG ET AL.
	Examiner	Art Unit	
	Farid Homayounmehr	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>06 September 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-25*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-25*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

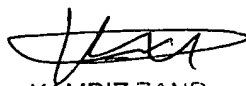8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 October 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: application, filed 10/29/2001;

amendment filed 9/6/2006.

2.   Claims 1-25 are pending in the case. Claims 1-24 were amended.

Response to Arguments

3.   Applicants have amended Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 14, 16, 17, 19 and 22

to limit the "secure storage device" and the "secure device" to a particular species, i.e.,

a resource-constrained device. However, this new limitation does not patentably

distinguish the claims from the cited prior art Gabber. As described in Gabber col. 18,

line 52 to col. 19, line 32, Gabber's invention can be implemented on a variety of

hardware and firmware configurations, including field programmable gate arrays. As

described by Applicant's specification paragraph [0102], a "Resource-constrained

device" is a device such as field programmable devices. This clearly shows that Gabber

teaches use of a "Resource-constrained device", as specified by applicant's invention,

and shows that his invention is compatible which such devices.

4.   Applicant has amended claims to include: "said requesting occurring prior to

requesting said user data from another device different from said user-controlled

resource-constrained device when said user data is unavailable from said user-
controlled resource-constrained device". However, the new limitation does not
distinguish the invention over prior art because when the data is available from the "said
user-controlled resource-constrained device", there is no need to request data from
another device. Therefore, "the said requesting" must have been prior to a request from
"another device different from said user-controlled resource-constrained device when
said user data is unavailable". Note that it is inherent to a computer system that when
data is not available in a device to look for data in the other devices registered as data
resources.

5.   Applicants have also amended claims 3, 6, 9, 12, 15, 18, 21 and 24 to define
reconstructing. However, the new limitation in claim 3 includes: "wherein original user
data was reconfigured to generate said user data and said reconstructing generates
said original user data". Applicant fails to identify a portion of specification that supports
the new limitation. Fig. 51 and the description thereof, which was the only part of
specification cited in relation to the mentioned limitation, does not specify anything but
reconstruction of the cookies by the server, and includes no description on generation of
original user data. If applicant relies on general practice of reconstruction of modified or
altered cookies as it is understood by a person skilled in art, then such new limitation
does not distinguish the claims from the prior art. It was well-known at the time of
invention that cookies are generated according to certain a format, and include data so
they could be identified and recognized by the web server that generated the cookies.

Some web servers go as long as encrypting cookies before they are sent to the user.

Apparently, the encrypted cookies are reconstructed (decrypted) to generate the original

cookie. Therefore the new limitation is inherently part of operation of a web server.

6.   Applicant has also added the limitation of: "reconfiguring a bit pattern of the said

cookie". However, whenever a cookie is reconfigured, the reconfiguration results in

reconfiguration of the bit pattern of the cookie. Therefore, change in the bit pattern of a

cookie, when the cookie is reconfigured, is inherently disclosed.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

8.   Claims 1 to 19, 21, 22 and 24 are rejected under 35 U.S.C. 102(b) as being

anticipated by Gabber (European Patent Publication No. 855659 A1, published July

29, 1998).

8.1.   As per claim 1, Gabber is directed to a method for browsing a data

communication network (column 6 line 1 to 19), the method comprising:

requesting user data (Fig. 2 and 3 and column 9 line 50 to column 10 line 15,

also mentioned in column 12 line 45 to 48) from a resource-constrained device

(which may be the user device itself (for example Fig. 3, item 105), or the

peripheral proxy server (Fig. 3, item 120 and associated text). Note that the user

device stores user data as indicated in column 12 line 31 to 35. Also note that

per Gabber col. 18, line 52 to col. 19, line 32, Gabber's invention can be

implemented using a field programmable gate array, which, per applicant's

definition, is a resource –constrained device) when a network site that requires

user data is accessed (column 14 line 9 to 16) said requesting occurring prior to

requesting said user data from another device different from said user-controlled

resource-constrained device when said user data is unavailable from said user-

controlled resource-constrained device (this limitation is trivial. See response to

arguments above); and sending said user data to a network server associated

with said network site when said user data is received from the said user

controlled resource-constrained device (column 14 line 9 to 16).

8.2. As per claim 2, Gabber is directed to a method for browsing a data

communication network (column 6 line 1 to 19), the method comprising:

receiving, by a user-controlled resource-constrained device (the proxy server is

secured and is user-controlled as the user controls which proxy perform data

modification (see column 9 line 12 to 15)), a request for user data (column 13 line

34 to 35) ; returning said user data by a user-controlled resource-constrained

device when said user data is found stored on said user-controlled resource-

constrained device and when returning said user data for said request is enabled

and when said user data comprise static user data (static data is user data that

requires no modification since it does not reveal user identity. As per column 13

line 35 to 41, the user original request is forwarded to the server with no

modification); reconfiguring said user data when said user data is found and

when returning user data for said request is enabled and when said user data is

said dynamic user data (dynamic user data is the data that must be modified to

protect user identity. As per column 13 line 50 to column 14 line 5, user name is

reconfigured before sending to server); and returning said configured user data

by said user-controlled resource-constrained device (column 14 line 6 to 16).

8.3. As per claim 3, Gabber is directed to a method for servicing data communication

network (column 6 line 1 to 19), information units, the method comprising:

receiving user data associated with a network site by a server (which is the

function of a proxy or a web server, exemplified in Fig. 1, 2, 5 and 6 item 110g

and mentioned in column 6 line 16 as server sites); determining by said server

whether said user data comprises static user data or said data comprises

dynamic user data (the proxy sends static user data with no change as described

in column 13 line 38, and modifies dynamic user data as described in column 13

line 57 to column 14 line 5) using by said server said user data when said

determining finds said user data comprises static user data; and reconstructing

by said server said user data before using data when said determining finds said

user data comprises said dynamic user data (column 8 line 15 to 50 describes

transmission of user data, such as alias user names, passwords, email

addresses, postal addresses, credit card numbers to a web server. The proxy

determines whether data is dynamic or static itself, as it modifies the dynamic

data and uses static data with no modification) wherein original user data was

reconfigured to generate said user data and said reconstructing generates said

original user data (this limitation is trivial. See response to arguments above).

8.4.   Claims 4, 5, and 6 are disclosed by Gabber, as they are substantially the same

as claims 1, 2, and 3 above, with the distinction of using Cookies to transfer user data.

Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

8.5.   Claims 7 to 12 are disclosed by Gabber, as they are substantially the same as

claims 1 to 6 above, with the distinction of disclosing a program storage device readable

by a machine, embodying a program of instructions executable by the machine to

perform the method of browsing, which is disclosed in column 19.

8.6.   Claims 13 to 18 are disclosed by Gabber, as they are substantially the same as

claims 1 to 6 above, with the distinction of disclosing an apparatus to perform the

browsing, which is disclosed in column 19.

8.7.   Claim 19 is disclosed by Gabber, as it is substantially the same as claim 13

above, with the distinction of disclosing a network browser as means for requesting and

sending user data, which is disclosed by Fig. 6 item 300 and column 18.

8.8.   Claim 21 is disclosed by Gabber, as it is substantially the same as claim 15

above, with the distinction of disclosing a network server as means for receiving and

using user data, which is disclosed by Fig. 6 item 110g.

8.9.   Claim 22 is disclosed by Gabber, as it is substantially the same as claim 19

above, with the distinction of disclosing a cookie as means for requesting and sending

user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

8.10.   Claim 24 is disclosed by Gabber, as it is substantially the same as claim 21

above, with the distinction of disclosing a cookie as means for receiving and using user

data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 20, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gabber as applied to claim 16 above, and further in view of Palthenghe (U.S.

Patent Application Publication No. 2001/0011250 A1, published 8/2/2001).

10.1 As per claim 20, Gabber is directed to the Apparatus of claim 16. Gabber

specifies an apparatus for browsing a data communications network, but it does not

include the specific use of a smart card configured to receive a request for user data,

and returning the data when it is found. Palthenghe teaches a the benefits of using

smart cards to store key elements of user data or certificates that helps identify

an authorized user of the application (paragraph [0076])

Gabber and Paltenghe are analogous art because they both specify a method

providing user data ubiquitously and nomadically while protecting user privacy in data

networks.

At the time of invention, it would have been obvious to a skilled person in the art to

incorporate smart cards as disclosed by Paltenghe in the network browsing apparatus

of Gabber, as a secure means to store and retrieve user data.

The motivation to do so would have been to take advantage of smart cards as a
portable device, which can securely store and upload users' sensitive and private data
to the application used by the user at users' discretion.

10.2. Claim 23 is disclosed by Gabber and Paltenghe, as it is substantially the same as
claim 20 above, with the distinction of disclosing a cookie as means for receiving and
using user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

10.3   As per claim 25, Gabber is directed to an apparatus for enhanced privacy
protection in identification in a data communications network (column 7 line 1 to 28).
Gabber specifically mentions the use of a pseudo random generator (column 11 line 20
to 25) to create a network ID for the user to substitute users real ID in network
transactions. Gabber does not specifically mention the use of smart cards to store
randomized ID, but Paltenghe discloses the use of smart cards in conjunction with the
apparatus disclosed by Gabber (see response to claim 20 above). Therefore, the
feature is disclosed by Gabber, and further in view of Paltenghe.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Farid Homayounmehr whose telephone number is 571

272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday

biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

KAMBIZ ZAND
PRIMARY EXAMINER

Farid Homayounmehr

Examiner

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